

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:07CR73
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
EUGENIO CAMACHO-PARRAL,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 57). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the lack of a downward adjustment for the Defendant’s minor role in the offense, which was a part of the plea agreement.¹ The plea agreement recommends a 2-level reduction under U.S.S.G. § 3B1.2(b) for a minor role. The Court’s tentative findings are that, absent unusual circumstances, the plea agreement should be upheld and the total offense level should be calculated as level 19.

IT IS ORDERED:

1. The Defendant’s Objections to the Presentence Investigation Report (Filing No. 57) are granted;
2. Otherwise the Court’s tentative findings are that the Presentence Investigation Report is correct in all respects;

¹According to the Addendum to the PSR, the government objected informally for the same reason although formal objections were not filed.

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 28th day of January, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge